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10/073,384	02/12/2002	Charles Leslie Falkiner	Falk:01-02	5401

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EXAMINER

APPIAH, CHARLES NANA

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/073,384

Applicant(s)

FALKINER ET AL.

Examiner

Charles Appiah

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) submitted on 21 August 2002 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner has considered the information disclosure statement.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-10, 12-20, 22-24, 26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by **Hyuga (5,818,733)**.

Regarding claim 1, Hyuga discloses a communication system comprising: (see figs. 1, 2 and 12) a plurality of mobile transceiver units (mobile unit 1 being in possession of each player or caddie, col. 4, lines 14-17), a fixed base unit (management 2 as installed in clubhouse and serves as a relay station with remote unit 3, col. 4, lines 14-23), wherein the mobile transceiver units (1) comprise a keypad (keypad 6), at least one special function button (emergency button 11) and switching circuitry for controlling audio input and output (feature of controller component in activating voice communication device, col. 4, lines 49-55).

Regarding claim 2, Hyuga further discloses the mobile transceiver units being pre-programmed to transmit information indicative of a golfer's location on a fairway and a type of emergency (see col. 6, lines 3-10).

Regarding claim 3, Hyuga further discloses wherein the base unit comprises a display device for displaying information relating to the emergency (visual image receivers 28 and 32).

Regarding claim 4, Hyuga further discloses wherein said fixed base unit further comprises a means for controlling voice communications transmitted from said mobile transceivers (controller component 22 provided with voice communication device 24, which allows voice communication after voice communication device of 16 of mobile unit is activated, col. 4, lines 49-55).

Regarding claim 5, Hyuga further teach wherein the mobile transceiver units further comprise an audio interlock circuit for preventing casual use (see col. 6, lines 27-36).

Regarding claim 6, Hyuga further discloses wherein said mobile transceiver units are hand-held transceivers (see Fig.2, col. 4, lines 24-30).

Regarding claim 7, Hyuga further discloses wherein said mobile transceiver units include a circuit for transmitting a coded signal indicative of the location of the transceivers (see col. 4, lines 31-43) and type of assistance desired (see col. 6, lines 3-26).

Regarding claim 8, Hyuga further discloses wherein said mobile transceiver units include a keypad or touch screen for entering at least the fairway number and type of assistance desired (see col. 8, line 57 to col. 9, line 8).

Regarding claim 9, Hyuga further discloses wherein said system further comprises a bio-monitor for monitoring physiological data of a golfer (see col. 7, lines 51-62).

Regarding claim 10, Hyuga further discloses wherein the mobile transceiver units include a means for automatically recognizing the location of the mobile transceiver units on the fairway (see col. 3, lines 17-21).

Regarding claim 12, Hyuga further discloses wherein said mobile transceiver units includes means for recognizing an audio enable signal (feature of voice communication device 16 of mobile unit 1 being activated, col. 4, lines 49-51).

Regarding claim 13, Hyuga further discloses wherein said fixed base unit includes means for displaying a golfer's location and type of emergency (visual image receivers 28 and 32).

Regarding claim 14, Hyuga further discloses wherein said fixed base unit includes an audio enabling signal generating circuit (feature of controller component sending signals to activate voice communication device of mobile unit, col. 6, lines 26-32).

Regarding claim 15, Hyuga further discloses wherein said audio enabling signal generating circuit includes means for producing an electronic key for enabling voice communications between said fixed base unit and at least one of said mobile transceiver units (see col. 6, lines 26-32).

Regarding claim 16, Hyuga further discloses wherein said mobile transceiver units inherently comprise an audio interface that includes a microphone and a speaker for establishing audio communications with a clubhouse (inherent feature of two-way voice communication between sender and the receiving party, col. 1, lines 55-67 and voice communication device having voice communication capability, col. 4, lines 30-39).

Regarding claim 17, Hyuga further discloses wherein said mobile transceiver units include a micro-controller for storing a software program (inherent in mobile unit being able to convert vectorial location information into coordinates such as latitude and longitude as well as computing absolute coordinate locations of mobile unit, col. 5, lines 39-53).

Regarding claim 18, Hyuga further discloses wherein said mobile transceiver units include a display unit for displaying information such as first aid instructions (see col. 8, lines 22-32).

Regarding claim 19, Hyuga further discloses wherein said fixed base unit inherently includes a microphone and a speaker for establishing audio communications (inherent in management unit giving warning by voice upon receiving signals, which inform of abnormal physical conditions, col. 8, lines 24-26).

Regarding claim 20, Hyuga further discloses wherein said fixed base unit further comprises a micro-controller for receiving and decoding commands from at least one special function button located one of said mobile transceiver units (see col. 7, lines 39-44).

Regarding claim 22, Hyuga's teaching of preventing voice communication to be activated under normal circumstances and granting voice communication only to a specific mobile unit in case of an emergency (see col. 6, lines 26-36), meets the limitation of a special function button operationally connected to an audio interlock that unlocks an audio circuit to establish a communications link between the mobile transceiver units and the fixed base unit.

Regarding claim 23, Hyuga further discloses an alarm means for either emitting an audible alarm or displaying a visual alarm (see col. 8, lines 22-32).

Regarding claim 24, Hyuga discloses a personal alert and rescue method comprising: recognizing an emergency ( see col. 6, lines 3-4), actuating a special function button to transmit a signal to a distant location said signal being indicative of a nature of the emergency; (see col. 6, lines 4-10, col. 7, lines 1-9), transmitting a signal from said distant location that disables an audio interlock; and establishing audio communications between two transceivers (see col. 6, lines 27-36).

Regarding claim 26, Hyuga further discloses transmitting instructions for handling the emergency (see col. 8, lines 22-32).

Regarding claim 27, Hyuga discloses a personal alert and rescue system comprising: a plurality of mobile communication means for reporting emergencies (mobile unit 1 being in possession of each player or caddie, col. 4, lines 14-17); and a fixed communication means (2, 3), wherein said each of the mobile communication means comprise a keypad (6), at least one special function button (11), and switching

circuitry for controlling audio input and output (feature of controller component in activating voice communication device, col. 4, lines 49-55).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Hyuga** as applied to claims 1 and 8 above, and further in view of **Day (6,463,273)**.

Regarding claim 11, Hyuga fails to disclose wherein said fixed base unit includes a receive-all function for transmitting a message to all mobile transceiver units simultaneously.

Day discloses a wireless warning system for alerting and advising selected users of a potential or existing emergency within a predetermined geographic area that include the feature of providing simultaneous emergency warning information to selected users over a wireless link in order to quickly advise the users of the emergency (see abstract, col. 2, lines 25-67, col. 5, lines 1-35).

It would therefore have been obvious to one of ordinary skill in the art to incorporate the simultaneous emergency warning information transmission system of Day into Hyuga's emergency system in order to provide a rapid and automatic alert of



an impending or existing emergency situation within a designated geographic area as taught by Day.

6. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Hyuga** as applied to claim 1 above, and further in view of **Yamashita (5,809,432)**.

Regarding claim 21, Hyuga further discloses wherein at least one of said mobile transceiver units further comprises a transceiver that may be readily removed from the one of said mobile transceiver units.

Yamashita discloses a portable radiotelephone terminal having a radio, which is detachably connected to the apparatus body with a radio system circuit and having the versatility to accommodate changes in communication requirements such as usable in different communication protocols without changing its main body for improving use efficiency of the radio apparatus without reducing its portability and having low-cost (see col. 1, line 57 to col. 2, line 38).

It would therefore have been obvious to one of ordinary skill in the art to combine Yamashita's removable radio system with Hyuga's emergency communication system in order to provide a low-cost but efficient portable communication unit that is easily removable and usable in different protocols as taught by Yamashita.

7. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Hyuga** as applied to claim 24 above, and further in view of **Alpert (5,742,666)**.

Regarding claim 25, Hyuga fails to specifically disclose dispatching personnel to the location of said emergency.

Alpert discloses an emergency mobile telephone, which is capable of automatically dialing one or more prescribed emergency telephone numbers in the event of an emergency (see col. 2, lines 25-64, col. 3, lines 6-42). According to Alpert, the cellular telephone system uses a direction finding technique to identify the precise location of a user in distress and automatically communicated to a receiving party so that assistance can be dispatched promptly by way of the appropriate authorities (see col. 5, lines 24-39).

It would therefore have been obvious to one of ordinary skill in the art to combine the emergency system of Alpert having emergency help dispatching capability with Hyuga's system in order to ensure the provision of emergency help especially for a user who is immobilized or unconscious as taught by Alpert.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hiroaki et al. (JP 2000-031888) discloses an emergency communication system for a golf cart.

Boubelik (5,365,570) discloses an emergency cellular telephone apparatus.

Griffith et al. (6,128,514) discloses a portable radiotelephone that can be shifted between a first condition wherein the phone does not transmit or receive voice communication and a second condition when the phone can transmit and receive voice communications over radiotelephone channels.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Appiah whose telephone number is 703 305-4772. The examiner can normally be reached on M-F 7:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 703 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 24, 2004  
CA

  
**CHARLES APPIAH**  
**PRIMARY EXAMINER**